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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Mike Bowling et al.)
)
Serial No.: 10/630,290)
)
Filed: July 30, 2003)
)
For: Method of Wastewater Treatment)
Utilizing White Rot and Brown Rot Fungi)

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

THIRD RESPONSE TO DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

Sir:

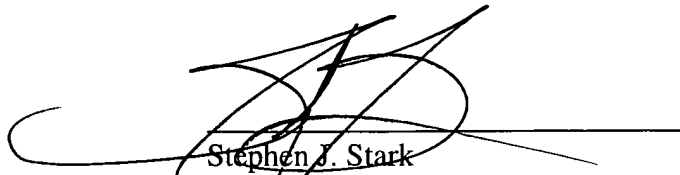
The Applicant has received the Decision dated December 13, 2004. Once again, the Petition was dismissed.

However, in the decision of December 13, 2004, all but one issue has been corrected, and the only remaining issue appears to be a missing element of 37 CFR 1.47(a)(2). Specifically, the first page of the Declaration was inadvertently omitted from the submission.

Enclosed is the Declaration in the format as requested by the Patent Office. Accordingly, with this submission, the Petition is believed to finally be provided in an acceptable form.

The Applicant sincerely appreciates the Office's help in providing the necessary supplemental filings to provide an appropriate Petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Stephen J. Stark', is written over a horizontal line. The signature is stylized with a large, sweeping 'S' and a prominent 'J'.

Stephen J. Stark
Reg. No. 43,152
Attorney for Applicant
832 Georgia Ave., Suite 1000
Chattanooga, TN 37402-2289
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CERTIFICATE OF MAILING

I hereby certify that the preceding Brief on Appeal is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

On this 5th day of January, 2005.

Beverly L. Middleton
Beverly L. Middleton

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☒ Declaration Submitted with Initial Filing OR ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number 10326-0001 33,212

First Named Inventor Bowling et al.

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD OF WASTEWATER TREATMENT UTILIZING WHITE ROT AND BROWN ROT FUNGI

(Title of the Invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
None			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/>		Customer Number or Bar Code Label	03490	OR <input checked="" type="checkbox"/>	Correspondence address below	
Alan Ruderman						
Name						
Miller & Martin LLP						
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Suite 1000 Volunteer Building; 832 Georgia Avenue						
Chattanooga			Tennessee		37402-2289	
City			State		ZIP	
USA		(423) 756-6600			(423) 785-8480	
Country		Telephone			Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.						
NAME OF SOLE OR FIRST INVENTOR :				<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name Michael				Family Name Bowling		
(first and middle [if any])				or Surname		
Inventor's Signature <i>Michael Bowling</i>				Date 7/7/03		
Hixson		Tennessee		USA		USA
Residence: City		State		Country		Citizenship
6613 Schooner Bay Lane						
Mailing Address						
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City		State		ZIP		Country
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name Phil				Family Name Adams		
(first and middle [if any])				or Surname		
Inventor's Signature				Date		
Roswell		Georgia		USA		USA
Residence: City		State		Country		Citizenship
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Mailing Address						
Roswell		Georgia		30075		USA
City		State		ZIP		Country
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.						